

REMARKS / ARGUMENTS

In the Office Action 01 of June 06, 2003, claims 1-16 are rejected under 35 U.S.C. 103(a) being unpatentable over Feola, Patent No. 5,839,731. I respectfully disagree with this conclusion. Reconsideration of this application under my arguments below is respectfully requested.

Feola discloses Method And Apparatus For Playing A Casino Game. In the games of stud poker, the method of playing a card game of Feola comprising the following steps:

1. generally providing at least one standard poker deck of 52 cards (col. 3, lines 11-16);
2. typically, there are six player positions (col. 3, lines 43-44) and each position offers each player six different bets on six different hands (col. 3, lines 44-50);
3. each player placing one or more, preferably up to six bets on six different hands, wherein said hands compete against each other and usually only one hand that has either the highest ranking hand or lowest ranking hand, whichever rules is chosen, wins (see abstract, claims 1 & 5-7, and drawings Fig.1 & 2);
4. dealing seven-card hands to six positions, but each player and the dealer have no cards (col. 3, lines 43-44; col. 5, lines 40-48); and
5. resolving games and wagers: Prior to dealing, at least one player chooses whether said winning combination has the highest poker ranking of said hands or the lowest poker ranking of said hands (claim 17); at least one of said hands having a winning combination and each wager of said winning hand receives a multiple of said winning wager (claim 15); alternatively, said multiple of said winning wager depends upon the odds of obtaining said winning combination (claim 16).

The method of playing a card game of my present invention comprising the following steps:

1. preferably providing at least one standard poker deck of 52 cards plus one joker (specification page 1, lines 14-15);
2. preferably seating six players and one banker or dealer (specification page 1, lines 16-18);
3. each player placing either Poker bet playing against the dealer's hand or Pair Of Aces Or Better bet betting on the content of the player's own hand, or both (specification page 1, lines 18-20);
4. each player and the banker each is dealt seven cards (specification page 1, lines 20-21); and

5. resolving games and wagers:

- a. a player's Poker bet wins if the player's best 5-card poker hand ranks higher than the banker's best 5-card poker hand, and either is paid Even Money (1 to 1) if the banker's losing hand is not King-Jack or lower, or is paid one half of the Poker bet (1 to 2) if the banker's losing hand is King-Jack or lower; the player's bet pushes and neither wins nor loses if the player's and the banker's hand rank the same; the player's bet loses if the player's hand ranks lower than the banker's (specification page 1, lines 36-39; and specification page 2, lines 1-4); and
- b. a player's Pair Of Aces Or Better bet wins if the player's hand is a pair of Aces, Two Pair, 3 of a Kind or better, and is paid Even Money (1 to 1) on Two Pair or better and 3 to 2 on a hand having two or more Aces; and the player's bet loses if the player's hand is not one of said winning hand (specification page 2, lines 5-12).

The Comparison: When comparing the teaching of Feola to the teaching of my present invention, we can find that there are minor and major differences between them. The minor differences can be found in steps 1 and 2 in both teachings. The major differences can be found in steps 3-5.

Steps 1 and 2 in both teachings generally are considered as an insignificant part in the matter of creating a new card game that is patentably distinct from another card game; for this reason, nearly all patented card games comprise these two steps.

In step 3, Feola teaches that each player can make one and more bets on the six different hands, and only one hand wins in most cases, therefore, if a player makes six bets on six different hands, the player will most likely be a loser due to the factor that house advantage is taken into consideration; while my present invention teaches that each player can make one or two bets on his own hand and said player often can win both bets when said player has a good hand.

In step 4, Feola teaches that each player and the dealer each receives no cards, providing players no cards for card reading enjoyment; on the contrary, my present invention provides each player seven cards for card reading enjoyment.

In step 5, Feola teaches that either the highest poker hand or lowest poker hand, whichever rules is chosen, wins the game and the wager of said winning hand is paid multiple of the winning wager; while my present invention teaches that the player's Poker bet wins and mainly paid Even Money if the player's hand ranks higher than the dealer's, and the player's Pair Of Aces Or Better bet wins and mainly is paid Even Money if the player's hand is a pair of Aces or better. Obviously, the hit frequency of winning a bet in Feola is much lower than the one of my present invention, and the rules of determining a winning hand or winning bet and the payoff odds of Feola differs largely from the rules of my present invention, thus, these major differences show that Feola and my present invention are patentably distinct from each other.

Accordingly, my present invention is apparently neither shown nor suggested by Feola. It is respectfully requested that the rejections under 35 U.S.C. 103(a) be removed.

CONCLUSION

I believe that the submission of five (5) terminal disclaimers and the foregoing Arguments are a complete response to the Office Action 01 and place my instant application in condition for allowance. I cordially invite the Examiner to contact me for a telephone interview regarding this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Henry Tien Lo', written over a horizontal line.

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